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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,237	02/20/2004	Masakazu Kawamura	P/2617-24	1367
2352	7590	10/20/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			ADDY, ANTHONY S	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,237	KAWAMURA, MASAKAZU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anthony S. Addy	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 February 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/25/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yumoto et al., U.S. Publication Number 2003/0080874 A1 (hereinafter Yumoto)** and further in view of **Kamieniecki, U.S. Publication Number 2003/0066080 A1 (hereinafter Kamieniecki)**.

Regarding claims 1, 6-7, 11-12, 16, 18-19 and 22, Yumoto teaches a remote control system including a mobile radio-signal terminal, a data server, and a network allowing said mobile radio-signal terminal and said data server to communicate with each other there through (see paragraph 0053, lines 1-8, paragraph 0060, line 1 through paragraph 0061, line 7, paragraph 0067, lines 1-12 and Fig. 1), wherein said mobile radio-signal terminal includes: a memory storing a plurality of remote-control codes therein (see paragraph 0078, line 1 through paragraph 0081, line 3 and Fig. 4); a signal transmitter which transmits a first remote-control signal to a target device, based on a remote-control code selected among said remote-control codes for causing said target device to carry out a desired operation (see paragraph 0084, line 1 through paragraph 0085, line 9, paragraph 0159, line 1 through paragraph 0161, line 9, paragraph 0182, lines 1-13 and Fig. 4); a signal receiver and a controller (see

paragraph 0084, line 1 through paragraph 0085, line 9, paragraph 0078, lines 1-3 and Fig. 4).

Yumoto fails to explicitly teach a signal receiver which receives a second remote control signal indicative of a certain operation, from a terminal which remote controls said target device and a controller which determines a remote control code, based on said second remote-control signal having been received by said signal receiver, receives a set of remote-control codes from said data server, and stores the thus received set of remote-control codes in said memory as said plurality of remote-control codes, and wherein said data server receives said second remote-control signal, and transmits said set of remote-control codes associated with said target device and selected in accordance with said second remote-control signal, to said mobile radio-signal terminal.

Kamieniecki, however, teaches a method and apparatus for controlling an electronic device, wherein an IR receiver receives an IR signal from a native remote control for controlling the electronic device and characteristics of the received IR signal are passed to a controller which determines a remote control code (see paragraph 0037, lines 1-18, paragraph 0044, line 1 through paragraph 0045, line 11 and Figures 1 & 2), based on said received IR signal having been received by said signal receiver, receives a set of remote-control codes from said data server, and stores the thus received set of remote-control codes in said memory as said plurality of remote-control codes (see paragraph 0045, line 1 through paragraph 0046, line 9, paragraph 0049, lines 1-9 and paragraph 0052, lines 1-7), and wherein said data server receives said

received IR signal, and transmits said set of remote-control codes associated with said target device and selected in accordance with said received IR signal (see paragraph 0050, line 1 through paragraph 0052, line 7, paragraph 0027, line 1 through paragraph 0028, line 8 and Fig. 1). Kamieniecki further teaches each of said transmitted and received remote-control signals is comprised of infra-red rays, said signal transmitter is comprised of infra-red ray irradiator, and said signal receiver is comprised of an infra-red ray receiver (see paragraph 0034, lines 1-9, paragraph 0037, line 1 through paragraph 0038, line 15 and Fig. 2).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Yumoto with Kamieniecki to include a signal receiver which receives a second remote control signal indicative of a certain operation, from a terminal which remote controls said target device and a controller which determines a remote control code, based on said second remote-control signal having been received by said signal receiver, receives a set of remote-control codes from said data server, and stores the thus received set of remote-control codes in said memory as said plurality of remote-control codes, and wherein said data server receives said second remote-control signal, and transmits said set of remote-control codes associated with said target device and selected in accordance with said second remote-control signal, to said mobile radio-signal terminal, in order for a user to gain the benefit of controlling a variety of electronic devices from different manufacturers without having to know how to manually program each device, or needing to consult the user's manual as per the teachings of Kamieniecki (see paragraph 0015, lines 1-18).

Regarding claims 5 and 10, Yumoto in view of Kamieniecki teaches all the limitations of claims 1 and 7. Yumoto further teaches a remote-control system, wherein said mobile radio-signal terminal is comprised of a cellular phone (see paragraph 0066, line 1 through paragraph 0067, line 4 and Fig. 1).

Regarding claims 2, 8 and 15, Yumoto in view of Kamieniecki teaches all the limitations of claims 1, 7 and 12. Yumoto further teaches a remote-control system, wherein said set of remote-control codes include at least a category and a manufacturer of said target device (see paragraph 0177, line 1 through paragraph 0179, line 14).

Regarding claim 4, Yumoto in view of Kamieniecki teaches all the limitations of claim 1. Yumoto further teaches a remote-control system, wherein said controller includes a signal producer which produces said first remote-control signal, based on said remote-control code having been read out of memory (see paragraph 0078, line 1 through paragraph 0081, line 3).

Regarding claims 3 and 9, Yumoto in view of Kamieniecki teaches all the limitations of claims 1 and 7. Kamieniecki further teaches a remote-control system, wherein said controller includes a sampler which samples said second remote-control signal having being received by said signal receiver, and determines a remote-control code, based on the thus sampled second remote-control signal (see paragraph 0037, line 1 through paragraph 0038, lines 15).

Regarding claim 13, Yumoto in view of Kamieniecki teaches all the limitations of claim 12. Kamieniecki further teaches a method, wherein a user actuates a predetermined key of a remote-controller used for remote-controlling said target device

(see paragraph 0031, lines 1-13, paragraph 0037, lines 12-18 and paragraph 0037, lines 1-4).

Regarding claims 14 and 20, Yumoto in view of Kamieniecki teaches all the limitations of claims 12 and 19. Yumoto further teaches a program and method, further comprising the step of converting said remote-control signal into a digital data, which is transmitted from said mobile radio-signal terminal to said data server (see paragraph 0159, lines 1-16 and paragraph 0140, lines 1-21).

Regarding claims 17 and 21, Yumoto in view of Kamieniecki teaches all the limitations of claims 12 and 19. Yumoto further teaches a program and method, further comprising the step of transmitting said remote-control data from said mobile radio-signal terminal to said target device for remote-controlling said target device (see paragraph 0159, line 1 through paragraph 0161, line 9 and paragraph 0182, lines 1-13).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Silen et al., U.S. Publication Number 2002/0045442 A1 discloses method and telecommunications network for controlling an external device.

Nobusawa et al., U.S. Publication Number 2005/0054337 A1 discloses mobile telephone with remote-controlling capability, remote-controlling method and system therefor.

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Grannan, U.S. Publication Number 2004/0203387 A1 discloses system and method for controlling appliances with a wireless data enabled remote control.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy  
October 13, 2005



Temica M. Beamer  
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10/16/05